

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

In re Application of: **R. Gil et al.**

Serial No.: **10/028,542**

Examiner: **R. Jeanty**

Filed: **December 19, 2001**

Group Art Unit: **3624**

Confirmation No.: **2451**

For: **SUPPLY CHAIN MANAGEMENT**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Filed via EFS Web  
Date Sent: **September 4, 2009**

**REQUEST FOR CONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37  
CFR §1.702(b)**

**Dear Sir:**

In accordance with the provisions of 37 C.F.R. §1.702(b), Applicants respectfully request that the Patent Term Adjustment calculated by the Commissioner in the above referenced Application be reconsidered. Currently, this application is entitled to a one thousand twenty one (1021) day Patent Term Adjustment as set forth and calculated on the attached Exhibit "A". Applicants believe they are entitled to an **additional** patent term adjustment.

Applicants respectfully assert that they are entitled to an estimated **additional** patent term adjustment of one thousand eight hundred twenty-nine (1829) days pursuant to 37 CFR §1.703(b), which states, in relevant part: "[t]he period of adjustment under §1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three (3) years

*after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued."* This brings the total patent term adjustment, to which Applicants are entitled, to two thousand eight hundred fifty one (**2850**) days ( $1021 + 1829 = 2850$ ). Applicants' estimated **additional** patent term adjustment is based on the projection that this patent will issue on the Tuesday before the date that is 28 weeks after the mailing date of the Notice of Allowance.

In support of this request, Applicants submit the following information:

Filing Date:	December 19, 2001
Third Anniversary of Pendency:	December 19, 2004
Issue Date:(estimated based on the projection that the patent will be issued on the Tuesday before the 28 weeks from the mailing date of the Notice of Allowance on June 15, 2009):	December 22, 2009
Days between day after Three Year Anniversary of Pendency date and date of issuance (estimated):	1829

Applicants reserve the right to petition for any further patent term adjustment if the patent issues after the estimated December 22, 2009 date (i.e., on the Tuesday before the 28 weeks from the mailing date of the Notice of Allowance).

Applicants submit the \$200.00 fee as set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment. Further, the Commissioner is hereby authorized to charge any deficiencies of fees and credit of any overpayments to Deposit Account No. 50-0436.

Respectfully Submitted,

/Michael K. Jones, Reg. No. 41,100/  
Michael K. Jones, Reg. No. 41,100

Date: **September 4, 2009**

**PEPPER HAMILTON LLP**  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
215.981.4405 (Telephone)  
610.640.7835 (Facsimile)

# **EXHIBIT A**

10/028,542 SUPPLY CHAIN MANAGEMENT

09-02-  
2009::08:53:33**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/028,542

Filing or 371(c) Date:	12-19-2001	USPTO Delay (PTO) Delay (days):	1141
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	120
Post-Issue Petitions (days):	+0	Total PTA (days):	1021
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
06-15-2009	Mail Notice of Allowance		
06-10-2009	Notice of Allowance Data Verification Completed		
06-10-2009	Case Docketed to Examiner in GAU		
06-05-2009	Correspondence Address Change		
06-03-2009	Document Verification		
03-02-2009	Examiner Interview Summary Record (PTOL - 413)		
05-09-2009	Date Forwarded to Examiner		
05-06-2009	Amendment after Final Rejection		
03-06-2009	Mail Final Rejection (PTOL - 326)		
03-02-2009	Final Rejection		
12-22-2008	Date Forwarded to Examiner		
11-28-2008	Response after Non-Final Action		31
11-28-2008	Request for Extension of Time - Granted		↑
10-06-2008	Case Docketed to Examiner in GAU		↑
07-28-2008	Mail Non-Final Rejection		↑
07-07-2008	Non-Final Rejection		
05-05-2008	Date Forwarded to Examiner		
05-05-2008	Date Forwarded to Examiner		
04-16-2008	Request for Continued Examination (RCE)		28
05-05-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		↑
04-16-2008	Request for Extension of Time - Granted		↑
04-16-2008	Workflow - Request for RCE - Begin		↑
03-17-2008	Mail Advisory Action (PTOL - 303)		↑
03-10-2008	Advisory Action (PTOL-303)		↑
02-29-2008	Date Forwarded to Examiner		↑
02-18-2008	Amendment after Final Rejection		↑
12-19-2007	Mail Final Rejection (PTOL - 326)		↑
12-18-2007	Final Rejection		
10-23-2007	Date Forwarded to Examiner		
10-18-2007	Response after Non-Final Action		61

10-18-2007	Request for Extension of Time - Granted		⬆
09-04-2007	Correspondence Address Change		⬆
09-04-2007	Change in Power of Attorney (May Include Associate POA)		⬆
05-18-2007	Mail Non-Final Rejection	72	
04-30-2007	Non-Final Rejection	⬆	
02-17-2007	Appeal Brief Review Complete	⬆	
02-17-2007	Date Forwarded to Examiner	⬆	
12-26-2006	Appeal Brief Filed	⬆	
11-21-2006	Notice -- Defective Appeal Brief	⬆	
11-19-2006	Appeal Brief Review Complete	⬆	
11-19-2006	Date Forwarded to Examiner	⬆	
11-07-2006	Defective / Incomplete Appeal Brief Filed	⬆	
11-07-2006	Appeal Brief Filed	⬆	
10-20-2006	Correspondence Address Change		
09-11-2006	Notice of Appeal Filed		
06-16-2006	Mail Final Rejection (PTOL - 326)		
06-12-2006	Final Rejection		
04-01-2006	Date Forwarded to Examiner		
03-27-2006	Response after Non-Final Action		
02-16-2006	Correspondence Address Change		
01-23-2006	Mail Non-Final Rejection	1069	
12-27-2005	Non-Final Rejection	⬆	
04-30-2002	Information Disclosure Statement considered	⬆	
05-06-2004	IFW TSS Processing by Tech Center Complete	⬆	
03-05-2002	Miscellaneous Incoming Letter	⬆	
03-05-2002	Oath or Declaration Filed (Including Supplemental)	⬆	
03-21-2003	Correspondence Address Change	⬆	
04-30-2002	Information Disclosure Statement (IDS) Filed	⬆	
04-30-2002	Information Disclosure Statement (IDS) Filed	⬆	
05-31-2002	Case Docketed to Examiner in GAU	⬆	
05-23-2002	Application Dispatched from OIPE	⬆	
04-05-2002	Application Is Now Complete	⬆	
03-29-2002	Additional Application Filing Fees	⬆	
03-29-2002	Applicant has submitted new drawings to correct Corrected Papers problems	⬆	
01-29-2002	Corrected Paper	⬆	
01-14-2002	IFW Scan & PACR Auto Security Review	⬆	
12-19-2001	Initial Exam Team nn	⬆	

---

Close Window